

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>	)	
	)	
	)	
Plaintiffs,	)	
	)	No. 1:14-CV-254
v.	)	
	)	
UNITED STATES OF AMERICA, <i>et al.</i>	)	
	)	
Defendants.	)	
	)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS' AMENDED COMPLAINT AND SUPPLEMENT TO THE AMENDED  
COMPLAINT**

Defendants respectfully move to extend their time to respond to Plaintiffs' Amended Complaint [ECF No. 14] and Plaintiffs' Supplement to the Amended Complaint [ECF No. 115], until 30 days after the Court has ruled on Plaintiffs' pending Motion for Preliminary Injunction. The basis for this motion is as follows:

1. Defendants were served in this case on December 18, 2014. Accordingly, their deadline to answer or otherwise respond to the Amended Complaint is February 17, 2015. *See* Fed. R. Civ. P. 12(a)(2).

2. At the oral argument held on Plaintiffs' Motion for Preliminary Injunction on January 15, 2015, Plaintiffs indicated that they wished to add Tennessee as a Plaintiff in this action. By order that same day, the Court gave Plaintiffs until January 23, 2015, to file a supplemental pleading adding Tennessee as a party, and it provided that Defendants file "[a]ny responsive pleading" to that supplemental complaint by January 30, 2015. [ECF No. 96].

Plaintiffs' Supplement to the Amended Complaint adds the states of Tennessee and Nevada as parties but otherwise does not change Plaintiffs' Amended Complaint. [ECF No. 115].

3. Because the Supplement to the Amended Complaint raises substantially the same allegations as the Amended Complaint, it would conserve the resources of both the parties and the Court to allow Defendants to file their response to Plaintiffs' Supplement to the Amended Complaint at the same time that they respond to the Amended Complaint itself.

4. In addition, it would conserve the resources of both the parties and the Court to stay Defendants' time to respond to both of Plaintiffs' operative pleadings in this case (the Amended Complaint and Supplement) until after the Court rules on Plaintiffs' pending Motion for Preliminary Injunction. Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction raises threshold legal issues about the sufficiency of Plaintiffs' complaint, including whether the Court has jurisdiction to entertain Plaintiffs' claims. As a consequence, the Court's disposition of Plaintiffs' Motion for Preliminary Injunction is likely to have a significant effect on the manner in which Defendants respond to Plaintiffs' pleadings in this case. Accordingly, Defendants respectfully request that their time to respond to both the Amended Complaint and the Supplement to the Amended Complaint be extended until 30 days after the Court rules on Plaintiffs' Motion for Preliminary Injunction.

4. Plaintiffs do not oppose the relief sought herein.

Dated: January 30, 2015

Respectfully submitted,

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/s/ Kyle R. Freeny  
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**CERTIFICATE OF CONFERRAL**

Pursuant to Local Civil Rule 7.1.D, undersigned counsel hereby certifies that she conferred with counsel for Plaintiffs, Arthur D'Andrea, on January 28, 2015, who indicated that Plaintiffs do not oppose the relief sought herein.

/s/ Kyle R. Freeny  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Extension has been delivered electronically on January 30, 2015, to counsel for Plaintiffs via the District's ECF system.

/s/ Kyle R. Freeny  
Counsel for Defendants